

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

**CYPRESS WAY LLC, and
BCH CAPITAL LLC,**

Case No.: 17-22383 (RDD) and
17-22384 (RDD)

(Jointly Administered)

Debtors.

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**ORDER ESTABLISHING DEADLINE FOR FILING
PROOFS OF CLAIM AGAINST OR INTERESTS IN THE DEBTOR
AND APPROVING THE FORM AND MANNER OF NOTICE THEREOF**

Upon the application of the above-captioned debtors and debtors in possession (the “**Debtors**”) for an order, pursuant to Federal Rule of Bankruptcy Procedure (“**Bankruptcy Rule**”) 3003(c)(3), fixing a deadline and establishing procedures for filing proofs of claims against and interests in the Debtors and approving the form and manner of service thereof, and it appearing that the relief requested is in the best interests of the Debtors, their estate, and creditors and that adequate notice has been given and that no further notice is necessary; and after due deliberation and good and sufficient cause appearing therefor, it is hereby

ORDERED, that except as otherwise provided herein, all persons and entities, (including, without limitation, individuals, partnerships, corporations, joint ventures, trusts and governmental units) that assert a claim, as defined in §101(5) of the Bankruptcy Code, against or interest in the Debtors which arose on or prior to the filing of the Chapter 11 voluntary petition on March 15, 2017 (the “**Filing Date**”), shall file proof of such claim or interest in writing or electronically on the Court’s website at www.nysb.uscourts.gov so that it is received on or before **July 31, 2017 at 5:00 p.m. Eastern Time** (the “**Bar Date**”); and it is further

ORDERED that notwithstanding any other provision hereof, proofs of claim filed by governmental units must be filed on or before September 11, 2017 (the date that is 180 days after the Filing Date); and it is further

ORDERED, that the following procedures for the filing of proofs of claims and interest shall apply:

- (a) Proofs of claim or interests must conform substantially to Official Bankruptcy Form No. 410;
- (b) Attorneys (with full access accounts) and employees of institutional creditors (with limited access accounts) and employees of institutional creditors (with limited access accounts) should file proofs of claim or interests electronically on the Court's Case Management/Electronic Case File ("**CM/ECF**") system. Those without accounts to the CM/ECF system may electronically create and file proofs of claim or interest through the "File a Proof of Claim" link on the Court's website at www.nysb.uscourts.gov or by mailing or delivering the original proof of claim or interest to the United States Bankruptcy Court for the Southern District of New York, 300 Quarropas Street, White Plains, New York 10601.
- (c) Proofs of claim or interests will be deemed filed only when received by the Clerk of the Bankruptcy Court on or before the Bar Date;
- (d) Proofs of claim or interests must (i) be signed; (ii) include supporting documentation (if voluminous, attach a summary) or an explanation as to why documentation is not available; (iii) be in the English language; and, (iv) be denominated in United States currency; and
- (e) Proofs of claim or interests must specify by name and case number the Debtor against which the claim is filed; if the holder asserts a claim against more than one Debtor or has claims against different Debtors, a separate proof of claim form must be filed with respect to each Debtor;

and it is further

ORDERED, that the following persons or entities need not file a proof of claim or interest on or prior to the Bar Date:

- (a) Any person or entity that has already filed a proof of claim against or interest in the Debtors in a form substantially similar to Official Bankruptcy Form No. 410;
- (b) Any person or entity whose claim is listed on the Schedules filed by the Debtors (the "**Schedules**"), provided that (i) the claim is not scheduled as "disputed,"

“contingent” or “unliquidated”; and (ii) the claimant does not disagree with the amount, nature and priority of the claim as set forth in the Schedules;

- (c) Any holder of a claim that heretofore has been allowed by order of this Court;
- (d) Any person or entity whose claim has been paid in full by the Debtors;
- (e) Any holder of a claim for which specific or different deadlines have previously been fixed by this Court;
- (f) Any holder of a claim allowable under §503(b) and §507(a)(2) of the Bankruptcy Code as an expense of administration;

and it is further

ORDERED, that any person or entity that holds a claim that arises from the rejection of an executory contract or unexpired lease, as to which the order authorizing such rejection is dated on or before the date of entry of this Order, must file a proof of claim based on such rejection on or before the Bar Date, and any person or entity that holds a claim that arises from the rejection of an executory contract or unexpired lease, as to which an order authorizing such rejection is dated after the date of entry of this Order, must file a proof of claim on or before such date as the Court may fix in the applicable order authorizing such rejection; and it is further

ORDERED, that holders of equity security interests in the Debtors need not file proofs of interest with respect to the ownership of such equity interests, provided, however, that if any such holder asserts a claim against the Debtors (including a claim relating to an equity interest or the purchase or sale of such equity interest), a proof of such claim must be filed on or prior to the Bar Date pursuant to the procedures set forth in this Order; and it is further

ORDERED, that if the Debtors amend or supplement their Schedules subsequent to the date hereof, the Debtors shall give notice of any amendment or supplement to the holders of claims or interests affected thereby, and such holders shall be afforded thirty (30) days from the

date of such notice to file proofs of claim or interest in respect of their claim or interest and shall be given notice of such deadline; and it is further

ORDERED, that nothing in this Order shall prejudice the right of the Debtors or any other party in interest to dispute or assert offsets or defenses to any Claim reflected in the Schedules; and it is further

ORDERED, that pursuant to Bankruptcy Rule 3003(c)(2), all holders of claims that fail to comply with this Order by timely filing a proof of claim in appropriate form shall not be treated as a creditor with respect to such claim for the purposes of voting and distribution; and it is further

ORDERED, that a copy of the notice substantially in the form annexed is approved and shall be deemed adequate and sufficient if served by first-class mail at least thirty-five (35) days prior to the Bar Date on:

- (a) the United States Trustee;
- (b) counsel to each official committee, if any;
- (c) all persons or entities that have requested notice of the proceedings in these Chapter 11 cases;
- (d) all persons or entities that have filed claims;
- (e) all creditors and other known holders of claims as of the date of this Order, including all persons or entities listed in the Schedules as holding Claims;
- (f) all parties to executory contracts and unexpired leases of the Debtors;
- (g) all parties to litigation with the Debtors;
- (h) the Internal Revenue Service for the district in which the case is pending and, if required by Bankruptcy Rule 2002(j), the Securities and Exchange Commission and any other required governmental units (a list of such agencies is available from the Office of the Clerk of the Court); and
- (i) such additional persons and entities as deemed appropriate by the Debtors;

and it is further

ORDERED, that any person or entity who desires to rely on the Schedules will have the responsibility for determining that the claim is accurately listed in the Schedules; and it is further

ORDERED, that the Debtors are authorized and empowered to take such steps and perform such acts as may be necessary to implement and effectuate the terms of this Order; and it is further

ORDERED, that entry of this Order is without prejudice to the rights of the Debtors to seek a further order of this Court fixing a date by which holders of claims or interests not subject to the Bar Date established herein must file such proofs of claim or interest or be barred from doing so.

DATED: White Plains, New York
June 21, 2017

/s/Robert D. Drain
HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE